

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE**  
**CONDITIONAL USE PERMIT REPORT (#FCU-19-07)**  
**EAST GLACIER HOLDINGS, LLC**  
**SEPTEMBER 17, 2019**

**I. GENERAL INFORMATION**

**A. Project Description**

This is a report to the Flathead County Board of Adjustment regarding a request from Land Solutions LLC, on behalf of East Glacier Holdings, LLC, for a conditional use permit for an Airfield to allow for commercial use of an existing helicopter landing pad that was permitted by FCU-18-04 on May 1, 2018. The property is located within the Blanchard Lake Zoning District and is zoned '*SAG-5 Suburban Agricultural*' and '*HO Highway Overlay*'.

**B. Application Personnel**

**1. Owner**

East Glacier Holdings, LLC  
C/o Tracie Jones  
620 Shelby Street  
Bristol, TN 37620

**2. Applicant**

Land Solutions, LLC  
Dave DeGrandpre  
36708 Leon Road  
Charlo, MT 59824

**C. Process Overview**

**1. Land Use Advisory Committee/Council**

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

**2. Board of Adjustment**

The Flathead County Board of Adjustments will conduct a public hearing on the proposed conditional use permit on October 1, 2019 at 6:00 P.M. in the 2<sup>nd</sup> Floor Conference Room of South Campus Building located at 40 11<sup>th</sup> Street West in Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, located on the second floor of the South Campus Building.

**II. PROPERTY CHARACTERISTICS**

**A. Property Location and Size**

The subject property is located at 5560 Highway 93 South near Whitefish, MT (see Figure 1 below). The property is approximately 19.2 acres and can be legally described as Tract 5 of COS 20869, located in the Northwest Quarter of the Southeast Quarter of Section 13, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

**Figure 1:** Subject property (outlined in yellow)



**B. Existing Land Use(s) and Zoning**

The subject property is currently developed with a helicopter landing pad, four buildings, and a private driveway which is accessed via Highway 93.

As previously stated, the property is zoned “SAG-5 Suburban Agricultural” and ‘HO Highway Overlay’. The SAG-5 zone is defined as, “A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate type residential development.”

The HO zone is defined as, “A zoning overlay district to protect and enhance the visual quality of state and federal highway throughout the County while maintaining all of the permitted and conditional uses of the underlying zone. This overlay zone is specifically created to protect scenic corridors adjacent to major transportation corridors and to mitigate impacts of new non-residential development, expansion of existing non-residential development and any changes of non-residential uses by requiring additional landscaping, buffering, signage, building, lighting, and parking design standards.”

The HO zone states, “These standards apply to all new development, expansion of existing development, and any change of commercial development use in the B-4 and BS districts and new commercial development in the SAG-5 district.” The applicant is not proposing new development in the SAG-5 zone but is proposing a change to commercial use, thus the proposal is subject to the HO standards.

**C. Adjacent Land Use(s) and Zoning**

The adjacent properties to the north, east, and south are similarly zoned SAG-5 and HO (see Figure 2 below). The adjacent property to the west is zoned AG-20. Surrounding uses include a taxi/shuttle service and church to the north, a native tree nursery, gunsmith, and residential to the east, and residential to the south and west.



**Figure 2:** Zoning surrounding the subject property (outlined in yellow)



#### **D. Summary of Request**

The applicant is requesting a conditional use permit for an Airfield to allow for commercial use of an existing helicopter landing pad within the SAG-5 and HO zones. The helicopter landing pad was permitted by FCU-18-04 on May 1, 2018, with the following condition: “For personal use at this time only and would require coming back to BOA for commercial use.” The review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a conditional use permit.

The applicant is proposing, “[...] to expand the use of the existing, approved landing pad to commercial use in addition to its current non-commercial use. The expectation is that the pad would continue to be used for private use, such as flying passengers to events in Flathead County and to the landowner’s ranch by False Summit. The owner would like to operate helicopters and other technological advances in rotorcraft to take passengers to destinations in Montana, such as outdoorsman destinations. Potentially, the owner would also like to use the landing pad for beyond visual line-of-site (BVLOSE) drone flying for commercial purposes related to applications such as real estate, LIDAR, and other similar purposes to serve the community. The landing pad will also provide a benefit to the public, as it will be made available to the A.L.E.R.T. Air Ambulance for medical emergencies and to the U.S. Forest Service and related state and local forestry divisions for firefighting and similar purposes.”

### **III. COMMENTS**

#### **A. Agency Comments**

1. Agency referrals were sent to the following agencies on August 21, 2019:
  - Whitefish Rural Fire District
  - Flathead County Solid Waste District
  - Flathead City-County Environmental Health Department
  - Montana Department of Transportation
  - Flathead County Road and Bridge Department
  - City of Whitefish Planning Department

- Bonneville Power Administration
  - Flathead County Sheriff's Office
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead City-County Health Department
    - Comment: "This parcel has an existing septic system, permit #06-3367N, it was permitted for the previous lumber yard office, to serve 20 employees, and a two-bedroom home. The change in use of the original permit will need to address that the septic system be brought up to current construction standards. Section 4.12(3) of the Flathead County Regulations for Onsite Sewage Treatment Systems. An application would need to be made for a new septic system." Letter dated September 10, 2019
  - Bonneville Power Administration
    - Comment: "The Bonneville Power Administration (BPA) has received and reviewed Flathead County Planning and Zoning's inquiry for the FCU-19-07 East Glacier Holdings, LLC. The subject property is approximately 19.2 acres and can be legally described as Tract 5 of COS 20869 in the Northwest ¼ in Section 13, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana. At this time, BPA does not object to this request, as the property is located .49 miles away from the nearest BPA transmission lines or structures." Letter dated August 26, 2019
  - Flathead County Road and Bridge Department
    - Comment: "Thank you for the opportunity to comment on the above referenced application. At this point the County Road Department does not have any comments on this request." Letter dated August 26, 2019
  - Flathead County Solid Waste District
    - Comment: "Thank you for the opportunity to comment on the above referenced conditional use permit application. After reviewing the application, Solid Waste District views no negative impact with solid waste issues at this time. The District request that all solid waste generated at the proposed location be hauled by a private hauler. North Valley Refuse is the licensed (PSC) Public Service Commission Licensed hauler in this area. Their business phone number is 406-862-4382." Letter dated August 23, 2019

## **B. Public Comments**

1. Notification was mailed to property owners within 150 feet of the subject property on September 13, 2019, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application will be published in the September 15, 2019 edition of the Daily Interlake.
2. Public Comments Received
 

As of the date of the completion of this staff report, no written public comments have been received to date regarding the requested conditional use permit. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for October 1, 2019. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.



#### IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

##### A. Site Suitability

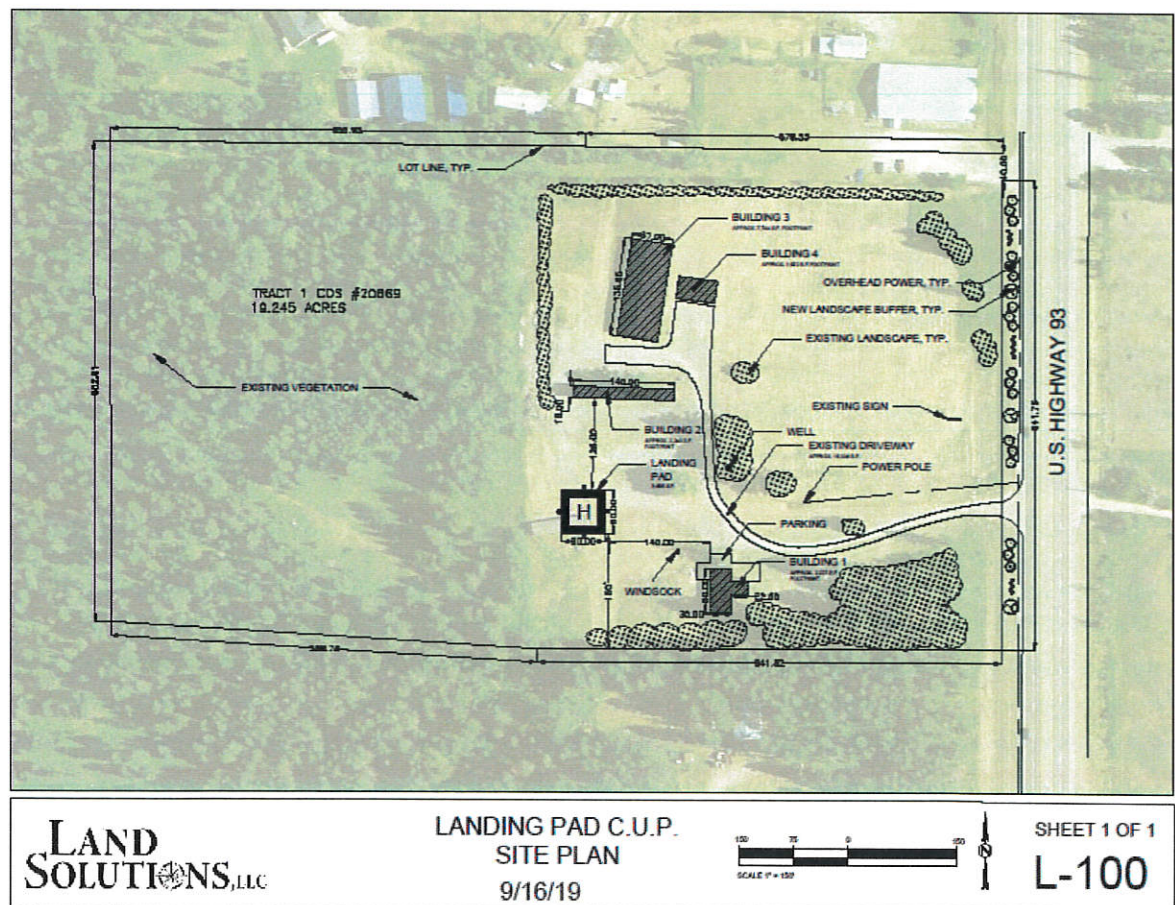
###### 1. Adequate Usable Space

The property is 19.2 acres in size and the permitted lot coverage in the SAG-5 zone is 25% for residential uses. The SAG-5 zone does not regulate lot coverage for commercial uses. The permitted lot coverage would not apply to the commercial use. The site plan shows the location of the existing helicopter landing pad, buildings, parking areas, and the driveway. The setbacks for the SAG-5 zone are 20 feet from each side of the property. The site plan shows all existing structures located more than 20 feet from the nearest property line.

According to the application, "The existing landing pad and surrounding area has been designed based on the Federal Aviation Administration (FAA) 2012 Advisory Circular on Heliport Design. Flights will avoid Glacier International Airport, Kalispell Airport and all flyways. All operations and practices will comply with FAA regulations."

Based upon staff's site visit and the site plan, it appears the subject property has adequate useable space to accommodate the proposed use.

Figure 3: Site Plan



**Finding #1** – There appears to be adequate usable space on the subject property for the proposed use because the existing structures meet applicable bulk and dimensional zoning requirements and the SAG-5 zone does not regulate lot coverage for commercial uses.

**2. Adequate Access**

The property is located along Highway 93 which is a paved, five-lane, MDT maintained highway. Access will be via an existing approach to Highway 93. The gravel driveway is approximately 30 feet wide at the approach and the rest of the driveway is approximately 10 feet wide. The Flathead County Road and Bridge Department indicated no comments on the proposal. The Montana Department of Transportation did not provide comment on the proposal. The applicant will be required to obtain a new approach permit from MDT.

**Finding #2** – The access appears adequate for the proposed use because the property has legal and physical access to Highway 93 that meets the standards of the Flathead County Zoning Regulations, and the proposal will require a new approach permit from MDT.

**3. Absence of Environmental Constraints**

The property is relatively flat and there are no wetlands or streams located on the parcel. The property is located within FEMA FIRM panel 30029C1405J and designated as un-shaded Zone X. The un-shaded Zone X is classified as an area outside the 0.2% annual chance flood hazard.

**Finding #3** – The site appears suitable for the proposed use because the property is relatively flat and does not contain wetlands, streams, or floodplain.

**B. Appropriateness of Design**

**1. Parking Scheme**

The Flathead County Zoning Regulations do not have minimum parking requirements for a helicopter landing pad or airfield. The application states, “At the County’s request, the applicant paved the parking lot in front of Building 1. No additional parking proposed at this time. However, the property contains ample space should additional parking be required.” The parking area is paved to accommodate off-street parking for approximately six vehicles (see Figure 4 below).

The HO parking requirements state, “*At least 40% of the required parking shall be located to the side and/or the rear of the building(s) fronting Highway 93 and Highway 40.*” None of the buildings front the highway as they are all setback over 300 feet from the highway. The parking scheme appears to be appropriately designed.



**Figure 4:** Paved parking area



## **2. Traffic Circulation**

As previously stated, the property has an existing driveway off Highway 93 and a new approach permit will be required from MDT. The site plan shows the driveway as approximately 30 feet wide at the approach and the rest of the driveway as approximately 10 feet wide. Next to buildings 2, 3, and 4 is a large turn around area.

New commercial development in the HO zone is required to construct backage or frontage roads for access to the new development. Future development would be subject to site plan review for compliance with the HO standards, and may be required to provide backage or frontage roads. No backage or frontage roads are required as part of this proposal.

Per Section 3.44.150(4)(A) of FCZR, “New commercial development, expansion of existing commercial development or a change of use of an existing commercial development shall dedicate no less than a 10-foot easement for bicycle/pedestrian adjacent to the Highway 93 right-of-way.” The permit will be conditioned to adhere to this standard.

**Finding #4** – The parking and traffic circulation appear adequate for the proposed use because the zoning regulations do not specify a minimum number of required parking spaces for a helicopter landing pad, the existing paved parking area can accommodate off-street parking and is setback and screened from the highway, no backage or frontage roads are required, and the permit will be conditioned to require a 10-foot wide bicycle and pedestrian easement along the Highway 93 right-of way.

## **3. Open Space**

The property is 19.2 acres in size. According to the site plan, the existing buildings cover approximately 13,883 square feet of the lot, the landing pad covers approximately 3,600 square feet, and the existing parking area and driveway cover approximately 16,071 square feet. The total area developed is roughly 33,554 square feet or 0.77 acres. Approximately 96% of the lot will remain undeveloped.



According to the application, “The helipad is located in a cleared field measuring roughly 1.5 acres in size. This area contains no power lines or other aviation hazards.” The application goes on to state, “Potential navigation concerns could relate to trees surrounding the property, buildings and overhead power lines. The closest overhead power line is more than 200 feet to the northeast of the helipad site. Trees have been cleared from the southwest approach to the landing pad, in accordance with the request from the County pursuant to the existing conditional use permit.”

**Figure 5:** Existing helicopter landing pad



**Finding #5** – The property appears to be appropriately designed with sufficient open space because 96% of the lot will remain undeveloped and the area surrounding the helicopter landing pad is clear of vegetation, buildings, and overhead power lines.

#### **4. Fencing/Screening**

The application states, “To the north, south and west, the property is bordered by trees that meet the landscaping and buffering requirements [...] At the County’s request a vegetative buffer has been planted along the eastern property boundary but due to the topography, the helipad is already not visible from the highway. No fencing is proposed.”

The Flathead County Zoning Regulations do not require any additional fencing or screening for commercial uses in SAG-5. The HO zone requires buffering when a commercial use is adjacent to any residential or suburban agricultural zoning. According to Section 3.44.060 FCZR, “[...] *the property boundaries adjacent to the residential or suburban agricultural zoning must incorporate a buffer of 20 feet, except as authorized by a condition of conditional use, or variance approval.*” The buffer shall consist of a mixture of trees, shrubs and ground cover and shall achieve 50% visual screen of such nature and density. A minimum of half the required landscaping must be located between the building setback line and the MDT right-of-way.



The western half of the property is forested and landscaping buffers exist along the north, east, and south property boundaries. The existing screening appears to meet the buffer requirements of the HO zone.

**Figure 6:** Landscaping buffer along eastern property boundary



**Figure 7:** View of subject property from approach off Highway 93



## **5. Landscaping**

No landscaping is required for the SAG-5 zone. The HO zone requires a minimum landscaping of 4% of the developed area for property 10 acres or larger. The total developed area is approximately 33,554 square feet or 0.77 acres, thus landscaping should encompass a

minimum of 1,342 square feet or 0.03 acres. As previously mentioned, landscaping buffers are located along the property boundaries. The existing landscaping appears to meet the landscaping requirements of the HO zone.

**6. Signage**

The application states, “An existing sign with two faces approximately 32 square feet each is located along the Highway 93 frontage. At this time, there are no plans to advertise the helipad but the sign structure could be used in the future in accordance with the zoning requirements.” Per Section 7.02.010(2) FCZR, “One freestanding or ground sign plus one wall or window sign for each place of business; the sign area shall not exceed forty (40) square feet and a freestanding or ground sign shall not exceed sixteen (16) feet above ground elevation.” The signage allowed in the SAG-5 zone is less than the signage permitted in the HO zone. The existing signage appears to comply with the signage standards set forth in Sections 3.44.110 and Chapter VII FCZR.

**7. Lighting**

The application states, “Safety lighting is mounted on the pad and the windsock. This lighting is not visible from the highway. Minimal additional lighting, if any, is expected.” The existing exterior lighting appears to comply with the lighting performance standards set forth in Section 3.44.130 and Section 5.12 FZCR.

**Finding #6** – The property appears to be adequately designed for the proposed use because the screening, landscaping, signage and lighting appear to comply with the zoning regulations.

**C. Availability of Public Services and Facilities**

**1. Sewer**

Comment received from Flathead City-County Environmental Health Department regarding the proposal stated, “This parcel has an existing septic system, permit #06-3367N, it was permitted for the previous lumber yard office, to serve 20 employees, and a two-bedroom home. The change in use of the original permit will need to address that the septic system be brought up to current construction standards. Section 4.12(3) of the Flathead County Regulations for Onsite Sewage Treatment Systems. An application would need to be made for a new septic system.” Prior to commercial operation of the helicopter landing pad, the property owner will be required to obtain all necessary permitting from Environmental Health and DEQ.

**2. Water**

The application states the property is served by an on-site well. Prior to commercial operation of the helicopter landing pad, the property owner will be required to obtain all necessary permitting from Environmental Health and DEQ.

**3. Storm Water Drainage**

The total area developed is approximately 33,554 square feet or 0.77 acres. No additional construction is being proposed as part of this request. The application states, “The current site retains all storm water generated from the helipad. No additional runoff would occur as a result of the expansion of the use of the property.”

**Finding #7** – The proposed use appears to have acceptable impacts on public services because the property has an existing well and septic system, the property will maintain adequate open space to capture storm water runoff on-site, and the change of use will require



review and approval from the Flathead City-County Environmental Health Department and DEQ.

#### **4. Fire Protection**

The subject property is served by the Whitefish Rural Fire Department and is located approximately 3.3 miles to the Whitefish Rural Fire Station on Hodgson Road and 2.6 miles from the Whitefish Fire Department. No comments were received from the Whitefish Rural Fire District to indicate concern with the proposal. The property is located in a Wildland Urban Interface (WUI) and a County Wide Priority Area. The property is located on Highway 93 and is easily accessed. Due to the close proximity to the fire station, it is anticipated response times in the event of an emergency would be reasonable.

#### **5. Police Protection**

The property would be served by the Flathead County Sheriff's Department. It is anticipated response times in the event of an emergency would be adequate given the property's proximity to an urban, developed area of the County.

**Finding #8** – The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.

#### **6. Streets**

The property is located along US Highway 93 which is a paved, five-lane, MDT maintained highway. Access will be via an existing approach to Highway 93. The gravel driveway is approximately 30 feet wide at the approach and the rest of the driveway is approximately 10 feet wide. The Flathead County Road and Bridge Department indicated no comments on the proposal. MDT did not provide comment on the proposal. A new approach permit will be required from MDT.

**Finding #9** – There appears to be adequate availability of streets for the proposed use because the property is located along a paved, MDT maintained highway and the proposal will require a new approach permit from MDT.

### **D. Immediate Neighborhood Impact**

#### **1. Excessive Traffic Generation**

Staff utilizes the Institute of Transportation Engineers (ITE) Trip Generation Manual to provide traffic counts for the proposed use. The Trip Generation Manual states, "A general aviation airport is designed primarily for the use of small private and corporate aircraft, not for commercial passenger service. It is usually characterized by short runways, few or no terminal facilities, and many small aircraft." Trip generation rate for a general aviation airport is 5 trips per day per aircraft, and the average flights per day is 1.97. Whereas, "A commercial airport accommodates commercial passenger service. The commercial airports surveyed also accommodated general aviation activities. Commercial airports are characterized by long runways, for serving large jets, and extensive terminal facilities." Trip generation rate for a commercial airport is 122.21 trips per day per aircraft, and average flights per day is 104.73.

According to the application, "The owner expects that, on average, commercial operations will not exceed a few flights per week, when active, but during the first year or two of operation, commercial use will be even less than that and will be very light." Based on the number and type of aircrafts, flights per day, and size of the facilities, trip generation rates for a general aviation airport are used to estimate traffic generation for this proposal. If commercial use of the helicopter landing pad consists of one helicopter, the estimated average

vehicle trips per day would be five. The average daily trips has the potential to increase if additional helicopters utilize the property. If there were ten helicopters, the average daily trips would be fifty.

According to the MDT 2015 Rural Traffic Flow Map, Highway 93 has 17,845 average daily trips. The proposed use has the potential to increase traffic on Highway 93 by 0.3% with fifty vehicle trips per day. The MDT did not provide comment on the proposal. The proposed commercial use of the helicopter landing pad constitutes a change in use and will require a new approach permit from MDT.

**Finding #10** – The proposed expansion appears to have acceptable impacts on the immediate neighborhood because traffic generated by the proposed expansion would be an increase of 0.3% with ten helicopters utilizing the helicopter landing pad, and the property owner would be required to obtain a new approach permit from MDT.

## **2. Noise or Vibration**

According to the Federal Aviation Administration (FAA) land use compatibility guidelines for preparing Federal Aviation Regulation (FAR) Part 150 Noise Compatibility Program, 65 decibels or lower is compatible for residential uses and institutional uses, 65-75 decibels is compatible with recreational activities, and over 75 decibels is compatible with commercial, industrial and agricultural uses. Helicopters can exceed 90 decibels. As a comparison according to the FHWA, “Levels of highway traffic noise typically range from 70 to 80 dB(A) at a distance of 15 meters (50 feet) from the highway.”

According to the application, “The property is located along Highway 93, where background traffic noise is steady. Some additional noise can be expected to be generated from the use of the helipad. The helipad is located more than 150 feet from any property boundaries. The nearest home is several hundred feet to the southeast of the pad area. Between the pad and the home is a mature vegetative buffer that will mitigate the noise impacts. Mature buffers also line the north and west boundaries. The pad area is separated from Highway 93 by a gentle ridge that will obstruct noise from materially impacting passersby.” The trees will not mitigate the noise when helicopters fly overhead above the trees but would provide a buffer during landing and take-off.

The applications goes on to say, “The pad will be used primarily during the day, when traffic noise is regular. The operator of the facility will follow all noise abatement requirements of the FAA. Additionally, pilots are generally expected to maintain as high an altitude as practical and safe when passing over noise sensitive areas and minimize the amount of time over populated areas. Pilots will be directed to approach and depart to and from the northeast and southwest where the land is mostly undeveloped, which will minimize the noise impact.”

**Finding #11** – The proposed use would likely generate noise that could have an impact on the neighborhood, but if pilots follow noise abatement requirements of the FAA, those impacts could be minimized.

## **3. Dust, Glare or Heat**

The parking area and helicopter landing pad are paved. The driveway is gravel which is likely to generate minimal dust with low traffic speeds. The helicopter landing pad is located approximately 300 feet away from the highway and landscaping buffers are located along the property boundaries.

## **4. Smoke, Fumes, Gas, or Odors**



The application states, “Helicopters do not typically generate substantial smoke, fumes, gas or odors. No unusual impacts are expected from this facility. Given the size and open nature of the area, no significant adverse impacts are expected.” It is anticipated that the impacts from smoke, fumes, gas, or odors for the proposed use would be minimal.

**Finding #12** – The proposed use is not anticipated to generate dust, glare, heat, smoke, fumes, gas or odors out of character with the setting.

#### **5. Inappropriate Hours of Operation**

The applicant is proposing to operate during daytime hours and intends to adhere to the regulations related to operation after certain hours. Given the location along the highway and daytime hours, the proposed hours of operation would likely have minimal impact on the immediate neighborhood.

**Finding #13** – The proposed hours of operation appear to be appropriate because the helicopter landing pad will be used primarily during daytime hours and the property is located along the highway.

### **V. SUMMARY OF FINDINGS**

1. There appears to be adequate usable space on the subject property for the proposed use because the existing structures meet applicable bulk and dimensional zoning requirements and the SAG-5 zone does not regulate lot coverage for commercial uses.
2. The access appears adequate for the proposed use because the property has legal and physical access to Highway 93 that meets the standards of the Flathead County Zoning Regulations, and the proposal will require a new approach permit from MDT.
3. The site appears suitable for the proposed use because the property is relatively flat and does not contain wetlands, streams, or floodplain.
4. The parking and traffic circulation appear adequate for the proposed use because the zoning regulations do not specify a minimum number of required parking spaces for a helicopter landing pad, the existing paved parking area can accommodate off-street parking and is setback and screened from the highway, no backage or frontage roads are required, and the permit will be conditioned to require a 10-foot wide bicycle and pedestrian easement along the Highway 93 right-of way.
5. The property appears to be appropriately designed with sufficient open space because 96% of the lot will remain undeveloped and the area surrounding the helicopter landing pad is clear of vegetation, buildings, and overhead power lines.
6. The property appears to be adequately designed for the proposed use because the screening, landscaping, signage and lighting appear to comply with the zoning regulations.
7. The proposed use appears to have acceptable impacts on public services because the property has an existing well and septic system, the property will maintain adequate open space to capture storm water runoff on-site, and the change of use will require review and approval from the Flathead City-County Environmental Health Department and DEQ.
8. The proposed use appears to have acceptable impacts on public services and facilities because the Whitefish Rural Fire Department and Flathead County Sheriff could provide services to the subject property with an acceptable response time.

9. There appears to be adequate availability of streets for the proposed use because the property is located along a paved, MDT maintained highway and the proposal will require a new approach permit from MDT.
10. The proposed expansion appears to have acceptable impacts on the immediate neighborhood because traffic generated by the proposed expansion would be an increase of 0.3% with ten helicopters utilizing the helicopter landing pad, and the property owner would be required to obtain a new approach permit from MDT.
11. The proposed use would likely generate noise that could have an impact on the neighborhood, but if pilots follow noise abatement requirements of the FAA, those impacts could be minimized.
12. The proposed use is not anticipated to generate dust, glare, heat, smoke, fumes, gas or odors out of character with the setting.
13. The proposed hours of operation appear to be appropriate because the helicopter landing pad will be used primarily during daytime hours and the property is located along the highway.

## **VI. CONCLUSION**

Upon review of this application, the request to allow for commercial use of the existing helicopter landing pad on the subject property is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-19-07 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

## **VII. CONDITIONS OF APPROVAL**

1. The helicopter landing pad shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [Section 2.06.010 FCZR].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [Section(s) 2.06.010 and 2.06.020 FCZR].
3. The approved use shall conform to the applicable standards of the 'SAG-5 Suburban Agricultural' zoning designation [Section 3.08 FCZR] and 'Highway Overlay' zoning designation [Section 3.44 FCZR].
4. Current and future lighting installed on the property shall be in compliance with Section 5.12 of the Flathead County Zoning Regulations.
5. Current and future signage installed on the property shall be in compliance with Section 3.44.110 and Chapter VII of the Flathead County Zoning Regulations.
6. The use shall be reviewed and approved by the Flathead City-County Department of Environmental Health and Montana Department of Environmental Quality. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
7. Off-street parking and driveways associated with the use shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [Sections 3.44.140, 6.14 and 6.16 FCZR].
8. All vehicular access for the use including internal traffic circulation areas, and parking areas shall be clearly established and demarcated in compliance with all applicable provisions of Chapter VI and Appendix A of the Flathead County Zoning Regulations.



9. The applicant shall obtain all necessary review and permits from the Federal Aviation Administration for the helicopter landing pad. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. The applicant shall obtain a new approach permit from Montana Department of Transportation. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
11. A 10-foot wide bicycle and pedestrian easement shall be designated along the Highway 93 right-of-way and be recorded with the Clerk and Recorder.
12. The conditional use permit shall terminate twelve (12) months from the date of authorization if commencement of the activity has not begun, unless the applicant can demonstrate and maintain a continuous effort in good faith in commencing the activity. [FCZR Section 2.06.060].
13. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].

Planner: EA